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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,781	02/17/1999	RUDOLF SUPE-DIENES		3703

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ROBERT W. BECKER & ASSOCIATES
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TIJERAS, NM 87059

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application No.
09/251,781

Applicant(s)
Supe-Dienes

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 10, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above, claim(s) 22-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on August 18, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/251,781 is acceptable and a CPA has been established. An action on the CPA follows.
2. The amendment filed July 16, 2001 has been entered. It is noted that in view of the amendment practice under 37 CFR 1.121 which became effective for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Claim Rejections - 35 USC § 112, 1st paragraph

3. Claims 18-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The original disclosure does not provide support for a blade holder comprising a circular blade as set forth in claim 18 (line 6). Rather, support is provided for a circular blade that is mounted on a blade holder, and it is suggested in line 1 to change "A" to --In combination, a circular blade and a--, and in line 6, "a circular" to --the circular-- or the like; and to change "A blade holder" in claims 19-21 to --The combination-- or the like. ←

Claim Rejections - 35 USC § 112, 2nd paragraph

4. Claims 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, line 5, it seems that "having" should be changed to --further comprising-- or the like for clarity; in line 6, "in" appears to be inaccurate, and it seems that it should read --on-- or --by-- or the like; in line 12, the recitation "thereby overcoming the force of a return spring" is vague and indefinite as to what is being set forth as part of the claimed invention, particularly since it is not clear as to whether the return spring is intended to be part of the claimed invention, and, if the return spring is intended to be part of the claimed invention, it is suggested to add a positive recitation of such; in line 16, the recitation that the advancing piston is "guided" is vague since it is not clear, for example, how the piston 20 is guided. ←

In claim 19, line 2, "said pressure spring" lacks antecedent basis. ←

In claim 21, line 3, "said pressure spring" lacks antecedent basis. ←

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wingen, pn 4,434,695 (hereafter Wingen '695).

Regarding claim 18, Wingen '695 discloses a blade holder with almost every structural limitation of the claimed invention including an advancing device (e.g., 8, 18), a return spring (e.g., 7), and a pressing device (e.g., 19) in the form of an abutment which presses against the spring, but lacks the pressing device for overcoming the force of the pressure spring. However, the Examiner takes Official notice that adjustable abutments for adjusting the spring tension are old and well known in the art. In order to increase the spring tension, the abutment is adjusted inwardly and during such adjustment, the force of the spring must be overcome (else the adjustment would be impossible). Therefore, it would have been obvious to one having ordinary skill in the art to provide a pressing device in the form of an adjustable abutment in to control the spring tension and thus adjust the operation the of the device.

Regarding claim 19, Wingen '695 discloses a blade holder with almost every structural limitation of the claimed invention including the pressing device having a slide in the form of an abutment (e.g., 19), but further lacks the pressing device comprising a second pneumatic drive.

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However, the Examiner takes Official notice that it is old and well known in the art to provide structure such as a pneumatic drive for actuating a slide/abutment for automatically or remotely adjusting the position of the slide/abutment against which a spring is braced to adjust the spring tension to then adjust the pressure provided by the spring on the active components of a device. Therefore, it would have been obvious to one having ordinary skill in the art to make component 19 into an adjustably positionable slide and to provide a pneumatic drive to position the slide for the well known benefits including that described above.

Allowable Subject Matter

7. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed July 16, 2001 have been fully considered but they are not persuasive. It is respectfully emphasized that the Examiner's position is not that the prior art and the present invention operate in the same manner. Rather, it is the Examiner's position that the prior art teaches and/or suggests all of the claimed structure.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

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June 30, 2003